

IN RE: PETITION FOR ZONING VARIANCE
SW/S Reisterstown Road, 250'
NW of the c/l of Tollgate Road
(10604 Reisterstown Road)
4th Election District
3rd Councilmanic District
Howard L. Shofer, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-281-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a distance between buildings of 50 feet in lieu of the required 60 feet, a side yard setback of 1 foot in lieu of the required 30 feet, and a rear yard setback of 3 feet in lieu of the required 30 feet for a proposed addition in accordance with Petitioner's Exhibit 1.

The Petitioners, by Albert Katz, Contract Lessee, appeared and testified. Also appearing on behalf of the Petition was William P. Monk, Land Use Planner. There were no Protestants.

Testimony indicated that the subject property, known as 10604 Reisterstown Road, consists of 31,476 sq.ft. zoned B.M. and is the site of two service garages, a Precision Tune franchise and a Jiffy Lube as depicted on Petitioner's Exhibit 1. Said property was the subject matter of previous Case No. 88-233-A in which Petitioners were granted variances for the Jiffy Lube operation on December 31, 1987. Testimony indicated that Mr. Katz has operated the Precision Tune franchise on the subject site since October 1979. Testimony indicated that Petitioners are desirous of constructing a 702 sq.ft. addition to the rear of the existing building to provide needed additional storage space for Precision Tune. Mr. Monk described in detail the surrounding uses and condition of property. In response to the Office of Planning comments that the second entrance to

Tollgate Road be closed, Mr. Monk testified the second entrance was constructed as a result of discussions and comments from the Department of Traffic Engineering at the time of development of Jiffy Lube. He further indicated it is his opinion that the landscaping done as a result of the Jiffy Lube construction is within the spirit and intent of the comments submitted by the Office of Planning. Pictures were introduced to show the landscaping along Reisterstown Road. As expressed at the hearing, the existing landscaping plan should be presented in detail to the Director and/or Deputy Director of Planning for approval. Testimony and evidence presented by Mr. Monk dealt with the practical difficulty Petitioners would experience if the relief requested were not granted. He further concurred with Mr. Katz in concluding that the granting of the variances will not result in any detriment to the health, safety or general welfare of the surrounding community.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

- 2 -

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16th day of March, 1991 that the Petition for Zoning Variance to permit a distance between buildings of 50 feet in lieu of the required 60 feet, a side yard setback of 1 foot in lieu of the required 30 feet, and a rear yard setback of 3 feet in lieu of the required 30 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Prior to the issuance of any permits, Petitioners shall submit a landscaping plan which responds to the comments submitted by the Deputy Director of Planning dated December 18, 1990 and has been approved by either the Director and/or Deputy Director of Planning. A copy of the approved plan shall be submitted to this Office for inclusion in the case file.

3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

March 6, 1991

Mr. & Mrs. Howard L. Shofer
9515 Reisterstown Road
Garrison, Maryland 21055

RE: PETITION FOR ZONING VARIANCE
SW/S Reisterstown Road, 250' NW of the c/l of Tollgate Road
(10604 Reisterstown Road)
4th Election District - 3rd Councilmanic District
Howard L. Shofer, et ux - Petitioners
Case No. 91-281-A

Dear Mr. & Mrs. Shofer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Mr. Albert Katz
8701 Liberty Road, Randallstown, Md. 21133

People's Counsel

File

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 238.2: 50' in lieu of the required 60' between buildings; 1' in lieu of the required 30' (side yard); and 3' in lieu of the required 30' (rear yard).

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Due to the small size of the site and the present building (Precision Tune) location, it is impossible to expand the building without seeking a variance.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Lessee:
Contract Purchaser:
Albert Katz
(Type or Print Name)
Signature
8701 Liberty Road
Address
Randallstown, MD 21133
City and State

Legal Owner(s):
Howard L. Shofer
(Type or Print Name)
Signature
Lois M. Shofer
(Type or Print Name)
Signature

Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State

9515 Reisterstown Road
Address
Garrison, MD 21055
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
William Monk, Inc.
Name
100 W. Pennsylvania Ave., Suite 305
Towson, MD 21204 301-494-5931
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 12 day of DEC 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 28 day of Feb 1991, at 11 o'clock A.M.

J. Robert Hines
Zoning Commissioner of Baltimore County

(over)

ZONING DESCRIPTION FOR 91-281-A

10604 REISTERSTOWN ROAD

BEGINNING on the South side of Reisterstown Road, 66 feet wide, at a distance 250.17 feet West of the center line of Reisterstown Road at its intersection with Tollgate Road, thence running with and binding along the South side of Reisterstown Road and running the following courses and distances:

1. South 43 degrees 29 minutes 35 seconds East 90.00 feet;
2. South 46 degrees 06 minutes 30 seconds West 17.00 feet;
3. South 43 degrees 29 minutes 35 seconds East 75.17 feet;
4. R=25 feet, A=39.10 feet, CHD=South 01 degrees 18 minutes 27 seconds West, L=39.10 feet;
5. South 46 degrees 06 minutes 30 seconds West 82.17 feet;
6. North 43 degrees 29 minutes 35 seconds West 150.0 feet;
7. North 46 degrees 06 minutes 30 seconds East 124.0 feet to the point of beginning. Containing 21,726 square feet, or 0.499 of an acre in the 4th Election District.

A:BFB#2:REISTOL.ZON

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District: 4th
Posted for: Variance
Petitioner: Howard L. Shofer, et ux
Location of property: SW/S Reisterstown Road, 250' NW c/l Tollgate Road, 10604 Reisterstown Road
Location of Signs: SW side of Reisterstown Road, in front of 10604 Reisterstown Road
Remarks: S. J. Gruber
Posted by: S. J. Gruber
Number of Signs: 1
Date of Posting: February 8, 1991
Date of return: February 15, 1991

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2-6-91

THIS IS TO CERTIFY, that the annexed advertisement was published in OWINGS MILLS TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3-1-91.

OWINGS MILLS TIMES,

S. Zebe Orlow
Publisher

\$ 70.76

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2-6-91

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1-31-91.

THE JEFFERSONIAN,

S. Zebe Orlow
Publisher

\$ 70.76

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R001-6150
Number

No 3938
3465

Date 11/2/90

Item #219

04A04W001*MTCHRC
8A C00310P*11-21-90
\$175.00

Please make checks payable to: Baltimore County BUSINESS DAY

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number: 3965
3938

DATE: 11/26/90

11/26/90

Public Hearing Fees

QTY	PRICE
1	\$175.00
TOTAL:	\$175.00

LAST NAME OF OWNER: SHOFR

Please make checks payable to: Baltimore County

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number: 91-281

DATE: 11/26/90

Public Hearing Fees

QTY	PRICE
1	\$95.76
TOTAL:	\$95.76

LAST NAME OF OWNER: SHOFR

Please make checks payable to: Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE: 12/19/90

Albert Katz
8701 Liberty Road
Randallstown, MD 21133

RE: Case Number: 91-281-A
50/5 Reisterstown Road, 250' NW c/1 Tollgate Road
10604 Reisterstown Road
4th Election District - 3rd Councilmanic
Legal Owner(s): Howard L. Shofer, et ux
Lessee: Albert Katz
HEARING: THURSDAY, FEBRUARY 28, 1991 at 11:00 a.m.

Dear Petitioner(s):

Please be advised that \$ 95.76 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. Robert Haines
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

January 18, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-281-A
50/5 Reisterstown Road, 250' NW c/1 Tollgate Road
10604 Reisterstown Road
4th Election District - 3rd Councilmanic
Legal Owner(s): Howard L. Shofer, et ux
Lessee: Albert Katz
HEARING: THURSDAY, FEBRUARY 28, 1991 at 11:00 a.m.

Variance to permit 50 ft. in lieu of the required 60 ft. between buildings; 1 ft. in lieu of the required 30 ft. (side yard); and 3 ft. in lieu of the required 30 ft. (rear yard).

J. Robert Haines
Zoning Commissioner of
Baltimore County

cc: Mr. & Mrs. Shofer
Albert Katz
William Monk, Inc.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

February 19, 1991

Mr. & Mrs. Howard L. Shofer
9515 Reisterstown Road
Garrison, MD 21055

RE: Item No. 219, Case No. 91-281-A
Petitioner: Howard L. Shofer, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Shofer:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Albert Katz
8701 Liberty Road
Randallstown, MD 21133

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 12th day of December, 1990.

J. Robert Haines
ZONING COMMISSIONER

Received By: James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Howard L. Shofer, et ux
Petitioner's Attorney:

Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

November 29, 1990

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Att: James Dyer

Re: Baltimore County
Howard L. Shofer Property
Zoning meeting 11/28/90
S/S Reisterstown Road
MD 140
at Tollgate Road
Item # 219

Dear Mr. Haines:

After reviewing the submittal for a variance to permit 50' in lieu of the required 60' between buildings and other various setback variances, we find the plan acceptable with all highway improvements having been made.

If you have any questions, please contact Larry Brocato (333-1350).

Very truly yours,
John Contestabile
Chief
Engineering Access Permits
Division

LB/es

cc: William P. Monk Inc.
Mr. J. Ogle

RECEIVED
DEC 3 1990
ZONING OFFICE

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech
303-7555 Baltimore Metro - 865-0481 D.C. Metro - 1-800-482-5085 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-9717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: December 18, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Howard J. Shofer, Item No. 219

The petitioner requests a Variance from Section 102.2 and 238.2 for a setback of 50 ft. in lieu of the required 60 ft. between buildings; 1 ft. in lieu of the required 30 ft. (side yard); and 3 ft. in lieu of the required 30 ft. (rear yard).

In reference to the petitioner's request, staff offers the following comments:

- The petitioner's site received a waiver to CRG plan and process (see W-87-258).
- This location was subject to an earlier petition (see Case No. 89-233-A).

Under the heading of Improving Design and Development Quality, the following design treatment of commercial corridors is suggested in the Baltimore County Master Plan:

- (1) "Random curb cuts should be prohibited..."
- (2) "Streetscape planting should be increased."

The petitioner's parcel indicates a 30 ft. existing driveway to the rear of the property and along Tollgate Road. In accordance with the Baltimore County Master Plan, staff recommends this driveway be eliminated and utilized for landscape purposes. In addition, street trees should be provided along Reisterstown Road.

Should the applicant's request be granted, staff recommends that prior to the issuance of building permits, a schematic landscape plan be submitted to the deputy director of the Office of Planning and Zoning.

Howard L. Shofer, Item No. 219
Page 2
December 14, 1990

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM219/ZAC1

Baltimore County Government
Department of Public Works
Bureau of Traffic Engineering

101 Bosley Avenue, Suite 405
Towson, MD 21204

887-3554
Fax 887-5781

December 10, 1990

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 207, 209, 214, and 219.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lab

received
12/3/90

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21284-5500
(301) 887-4500

Paul H. Reincke
Chief

DECEMBER 3, 1990

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: HOWARD L. SHOFER

Location: #10604 REISTERSTOWN ROAD

Item No.: 219 Zoning Agenda: DECEMBER 11, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy. CHAPTERS 28

REVIEWER: *Pat Keller* 12-3-90 Noted and Approved *William P. Monk*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KER

received
12/4/90

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

December 4, 1990

received
12/6/90

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING
FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES

SUBJECT: ZONING ITEM #219
PROPERTY OWNER: Legal Owner: Howard L. Shofer, et ux
LESSEE: Albert Katz
LOCATION: SW/S Reisterstown Rd, 250' NW centerline of
Tollgate Road (#10604 Reisterstown Rd.)
ELECTION DISTRICT: 4th
COUNCILMANIC DISTRICT: 3rd

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

- (X) PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.
- (X) PARKING LOCATION (X) RAMP (degree slope)
- (X) NUMBER PARKING SPACES (X) CURB CUTS
- (X) BUILDING ACCESS (X) SIGNAGE
- (X) PLAN ~~DOES~~, ~~DOES NOT~~ COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.
- (X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.
- () A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.
- () STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).
- () OTHER -

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: December 30, 1990

FROM: Robert H. Postling, P.E.

RE: Zoning Advisory Committee Meeting
For December 11, 1990

The Development Engineering Division has reviewed the subject zoning items and has no comments for Items 205, 207, 209, 219 and 147 revised (7438 Ginn Spring Road).

For Item 214, the site is subject to minor subdivision comments.

For Item 215, the previous County Review Group comments are applicable.

Robert H. Postling
ROBERT H. POSTLING, P.E.
Development Engineering Division

RWB:z

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

April 2, 1991

Ms. Rosen
100 Owings Court, Suite 5, P.O. Box 864
Reisterstown, Maryland 21136

RE: PETITION FOR ZONING VARIANCE
SW/S Reisterstown Road, 250' NW of the c/l of Tollgate Road
(10604 Reisterstown Road)
4th Election District - 3rd Councilmanic District
Howard L. Shofer, et ux - Petitioners
Case No. 91-281-A

Dear Ms. Rosen:

Pursuant to our telephone conversation of this date, enclosed please find a corrected copy of the cover letter and an additional copy of the Order issued March 6, 1991 in the above-captioned matter. You advised me that Mr. & Mrs. Shofer moved from the Reisterstown Road address indicated on the Petition filed to another location and received a copy of their order and letter from Mr. Albert Katz, Contract Lessee.

In accordance with your request, the case file has been updated to reflect the mailing address set forth above, 100 Owings Court, Suite 5, Reisterstown, Maryland, 21136, which you indicated is Mr. Shofer's business office. Thank you for bringing this matter to our attention.

Very truly yours,

Bette J. Schumann
Bette J. Schumann
Administrative Assistant

bjs

Case File

Baltimore County Government
Office of Planning and Zoning

401 Bosley Avenue
Towson, MD 21204

887-3211
Fax 887-5862

January 18, 1991

Mr. Howard L. Shofer
9515 Reisterstown Road
Garrison, Maryland 21055

Re: Precision Tune Service Garage
10604 Reisterstown Road
W-91-14

Dear Mr. Shofer:

We have reviewed your waiver application for the above property and have determined that a waiver for the CRG Plan and CRG Meeting would be within the scope, purpose and intent of the Development Regulations of Baltimore County and is therefore approved. This development shall comply with all other applicable laws, rules and regulations of Baltimore County (Section 22-51).

Should you have any questions, please contact Frank Fisher, Chief, Current Planning and Development at 887-3335 or Pat Keller, Deputy Director of Planning at 887-3211.

NOTE: This waiver approval letter shall be presented by the applicant when applying for a building permit.

Sincerely yours,

P.D. Fields
P. David Fields, Director
Office of Planning and Zoning

PDF:cab

cc: Albert Katz, 8701 Liberty Road, Randallstown, MD 21133
Campbell Building, 100 W. Pennsylvania Avenue,
Suite 305, Towson, MD 21204
David Thomas, Assistant Bureau Chief M.S. 1301
Brenda Payne, Public Services M.S. 1301
Susan Wimbley, Public Services
File

BAITMORF COUNTY OFFICE OF PLANNING AND ZONING
ROOM 100 NOT COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

SECTION 22-51 WAIVER REQUEST FORM

1. General Information and Requirements for Submittal: 3 COPIES OF ALL INFORMATION

1. Name of Development and location: 10604 Reisterstown Road, Precision Tune "Service Garage"

2. Owner's name: Howard L. Shofer

3. Owner's address and phone number: 9515 Reisterstown Road, Garrison, MD 21055

4. Applicant's name (if other than owner): Albert Katz

5. Applicant's address and phone number: 8701 Liberty Road, Randallstown, MD 21133

6. Liber/folio: 5608/047

7. Tax Account number: 16-00-000598

8. Site plan at appropriate scale and vicinity sketch: 3 COPIES EACH, FOLDED NEAR TO SHEET

9. 1990 200' scale aerial photograph with subject site outlined and road network identified: 3 COPIES EACH, FOLDED NEAR TO SHEET

10. Signature of Applicant or Owner, Date: *Albert Katz* 12/19/1990

II. Reason for Waiver Request: Check Appropriate Reason: MUST ATTACH STATEMENT FOR JUSTIFICATION OF REQUEST

(1) Lot line adjustment, including the combination of lots or parcels.

(2) The subdivision of property pursuant to court order, a will, or the laws of intestate succession.

(3) Amendments to an approved plan or plat which do not materially alter the proposed development.

(4) The subdivision of land in an approved agricultural land preservation district for the purpose of the conveyance of land to the owner or his children pursuant to Title 2, Subtitle 5 of the Agriculture Article of the Annotated Code of Maryland.

(5) The subdivision of a farm tract into two lots.

(6) The subdivision of land in an R.C. zone if no new roads are required.

(7) The subdivision of land into three or fewer lots for residential single-family dwellings.

(8) A commercial development of land involving only one building for a single use.

(9) An industrial development of land involving only one building for a single use.

(10) A minor development: ADDITION TO EXISTING BUILDING

(11) The construction of public buildings.

(12) The construction of accessory structures.

(13) Any proposed development of the Developer that complies with those regulations which cause unnecessary hardship MUST ATTACH STATEMENT SPECIFYING NATURE OF HARSHIP.

III. NATURE OF WAIVER:

X Waiver of CRG Plan.

X Waiver of CRG Meeting SEE ATTACHED

Waiver of Record Plat

Waiver of Public Works Standard(s). Specify which standard(s) and give reasons for waiver request.

IV. STATUS:

Approved *P.D. Fields* 1/17/91
Date Director of Planning and Zoning

Approved *P.D. Fields* 1/17/91
Date Baltimore County Planning Board

*A waiver of CRG meeting does NOT waive the need for an approved Plan.

Rev. 3/27/87

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: March 7, 1991
Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Howard L. Shofer, Item No. 219
ADDENDUM

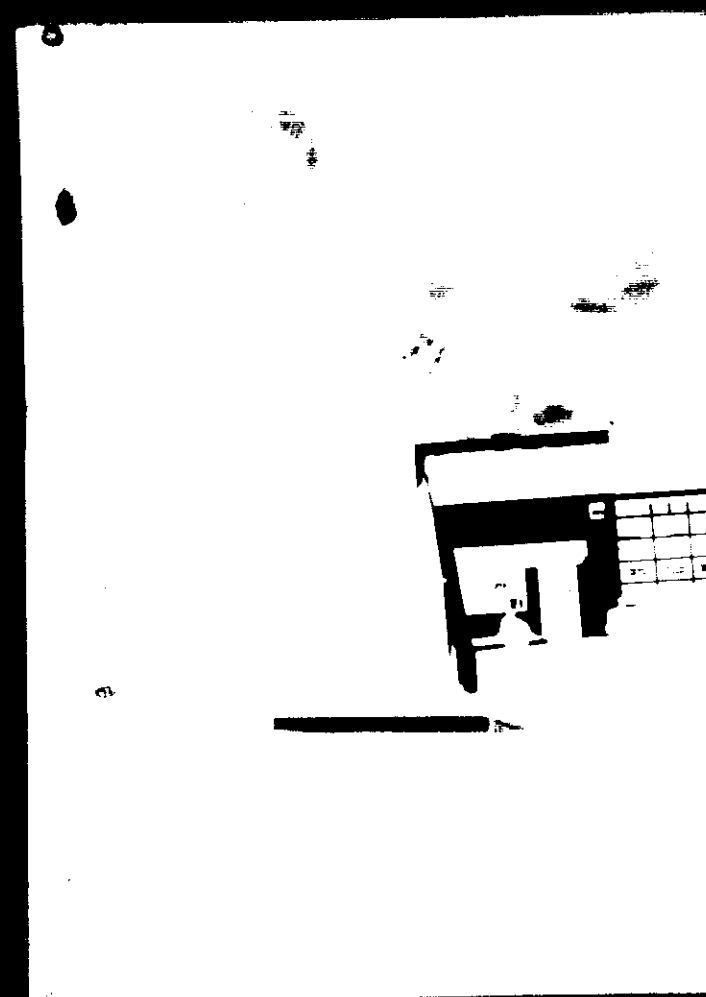
Staff has met with Mr. William P. Monk to discuss the above-referenced case. Mr. Monk has agreed to staff recommendations regarding the landscape treatment along Reisterstown Road and further agreed to submit a plan reflecting our concerns.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM219/ZAC1

VIEW OF WALL
 ON S.W. PROPERTY
 LINE



3J



3K

PETITIONER'S EXHIBIT 3



3L

50' SETBACK BETWEEN
 EXISTING BUILDINGS

PETITIONER'S EXHIBIT 3



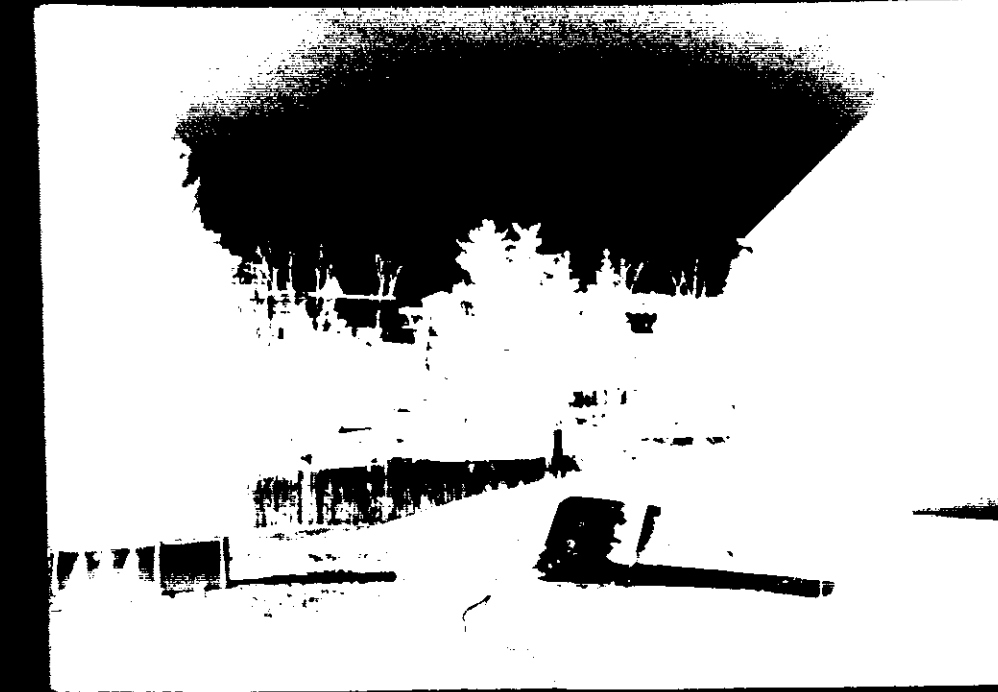
3M



3N

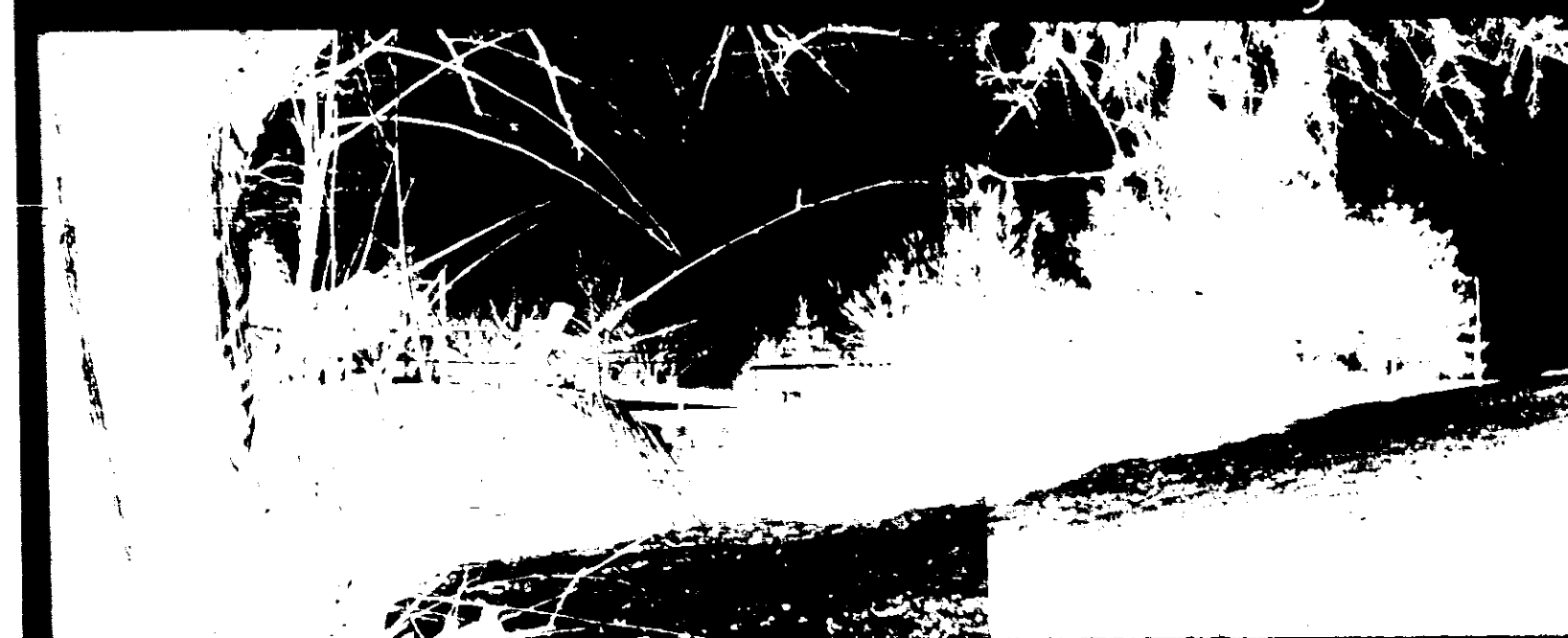
AREA FOR EXPANSION BEHIND
 EXISTING BUILDING

VIEW LOOKING TOWARDS REAR OF SNE
 FROM CHURCH PROPERTY



3O

EXISTING FENCE ALONG REAR LOT LINE



3Q

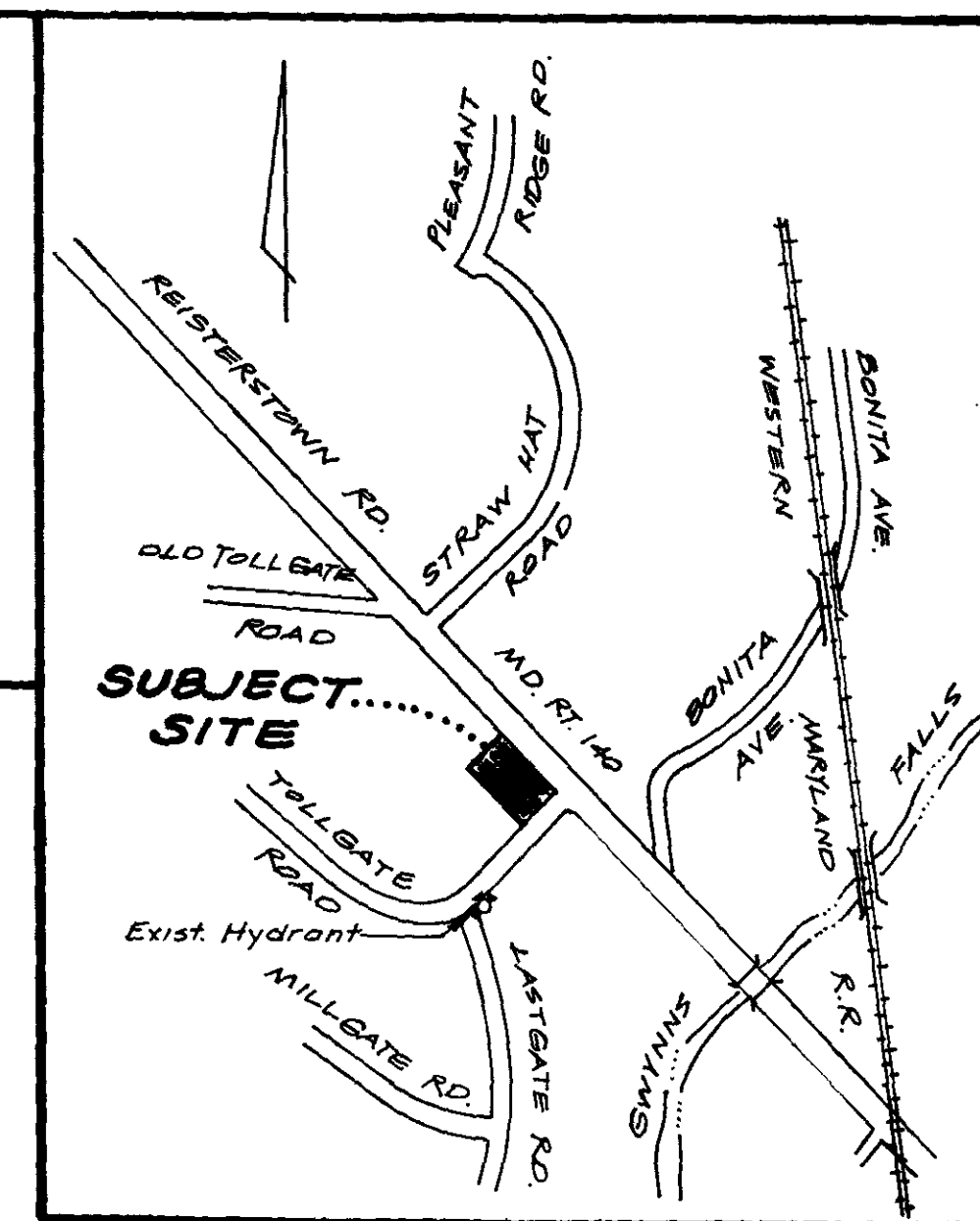
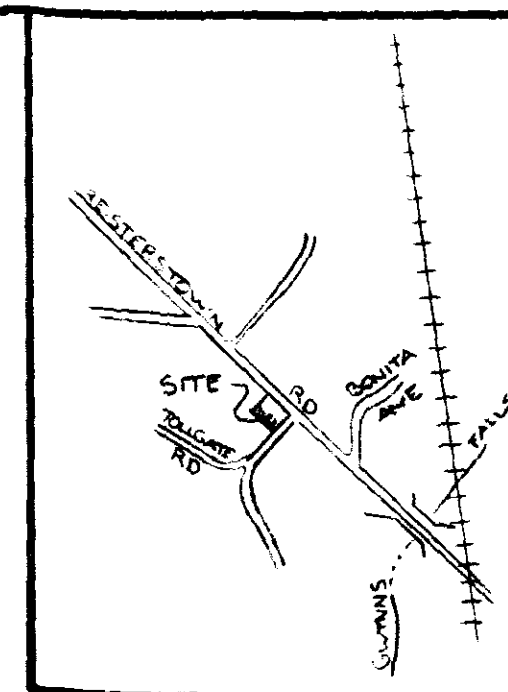
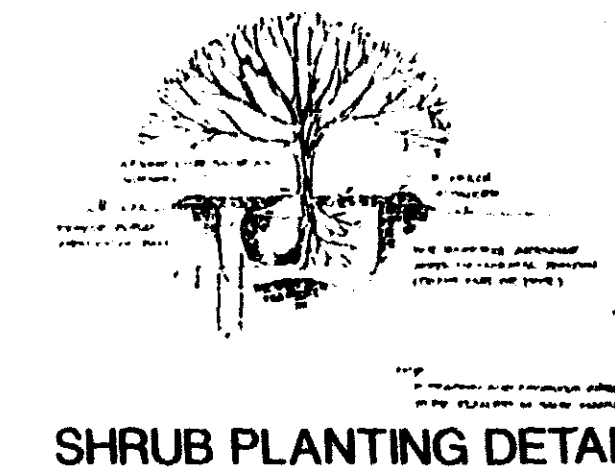
VIEW LOOKING
 SE TOWARDS
 BUILDING FROM
 ADJACENT
 PROPERTY

PETITIONER'S EXHIBIT 3

PLAN TO ACCOMPANY VARIANCE APPLICATION

LEGEND

- EXISTING CONTOURS
- 102+25 EXISTING SPOT ELEV.
- EXISTING CURB TO BE REMOVED
- EXISTING BLOCK WALL
- EXISTING CURB
- PROPOSED CURB
- PROPOSED PAVING
- PROPOSED MASONRY WALL
- PROPOSED CONC.
- PROPOSED CONTOURS
- 102+25 EXISTING SPOT ELEV.
- PROPOSED UNDERGRD. TANKS
- EXISTING FENCE



LANDSCAPE SCHEDULE

QUANTITY	SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	SPACING
7	D-1	EUONYMUS ACATUS COMPACTA	DWARF WINGED EUONYMUS	18"-24"	4'-O.C.
12	J-1	JUNIPERUS PETERIANA COMPACTA	CONTRACT PETER JUNIPER	18"-24"	4'-O.C.

NOTES:

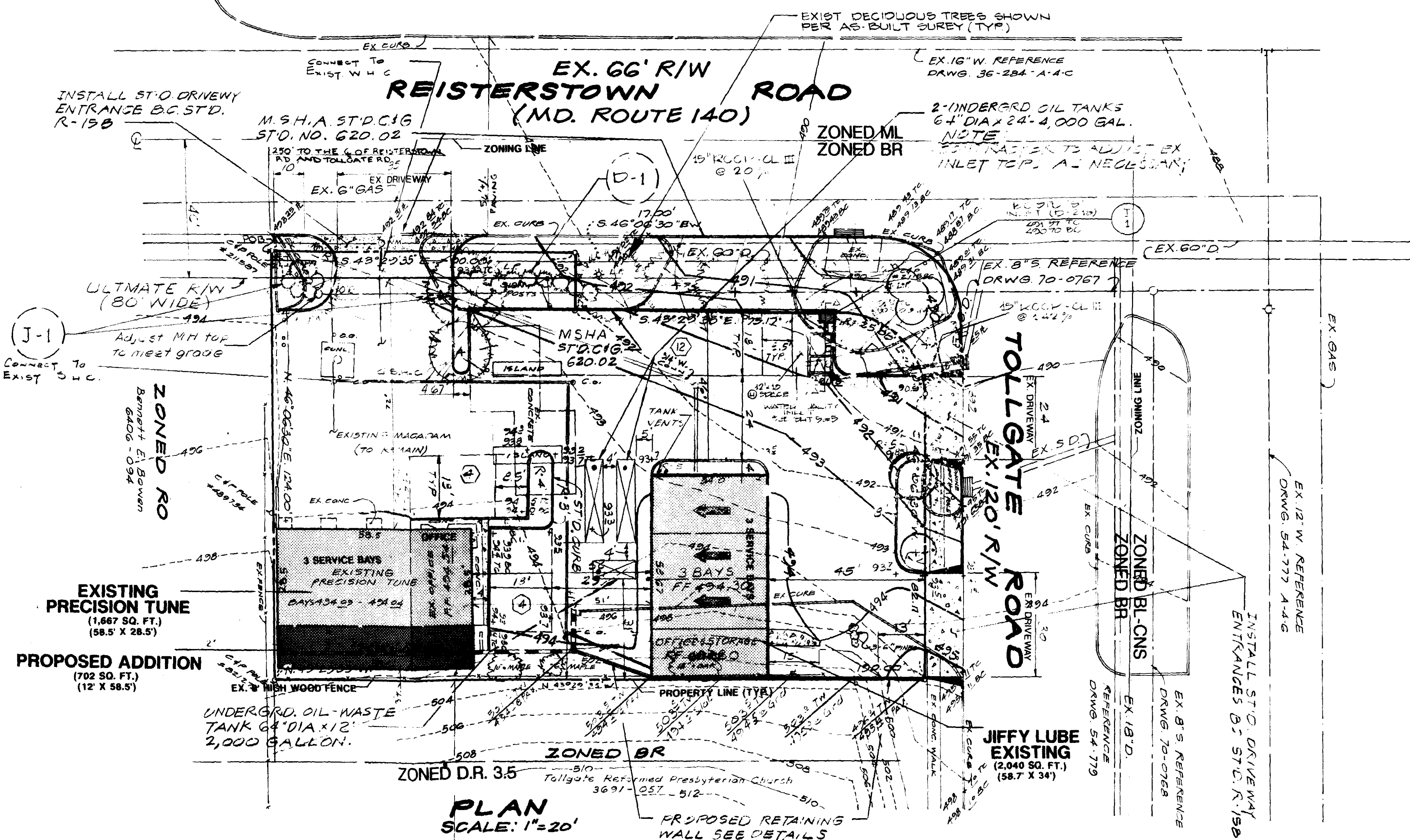
- 1) Zoning: Existing - BR, Proposed - BR
- 2) Lot Area: See #21
- 3) Existing Use: Precision Tune & Jiffy Lube service garages
- 4) Proposed Use: Expand existing Precision Tune building
- 5) Building Area: See #18
- 6) Building Setbacks:

	REQUIRED	PROPOSED	REMARKS
Front	25'	25'	40'
Interior Side	30'	2'	N/A
Rear	30'	3'	0' (variance granted)
Street Corner	25'	N/A	45'
Side	25'	50'	50' (variance granted)
- 7) Parking: See #22
- 8) Utilities:
 - Water - Public (See vicinity map for fire hydrant location)
 - Sewer - Public
- 9) Variances:
 - To Section 230.2 to permit an addition to the existing Precision Tune building with a rear yard setback of 3' in lieu of the required 30 feet and a side yard setback of 2' in lieu of the required 30 feet and 50' between buildings in lieu of the required 60'.
 - Special exception/conditional use: None
- 10) Election District: 4th
- 11) Councilmanic District: 3rd
- 12) Census Tract: 4041
- 13) Watershed: 27
- 14) Subwatershed: 67
- 15) Dead Reference: 2793/441
- 16) Property Account No.: 16-00-000-508
- 17) Building Area:

	EXISTING	PROPOSED	TOTAL
Existing Jiffy Lube	2,040 sq. ft.		2,040 sq. ft.
Existing Precision Tune	1,667 sq. ft.		1,667 sq. ft.
Proposed Addition		2,726 sq. ft.	2,726 sq. ft.
Total Floor Area			4,433 sq. ft.
- 18) Floor Area Ratio (F.A.R.):
 - Max F.A.R. Permitted: 2.0
 - F.A.R. Proposed: 0.14
- 19) Height of Building: 1 story (all structures) 18'
- 20) Lot Size Tabulations:

	Gross Area	Net Area
Existing	31,576 sq. ft.	21,726 sq. ft.
- 21) Net Area: 21,726 sq. ft.
- 22) Parking Tabulations:

	Required	Provided
Precision Tune	1 space/300 sq. ft.	2,726 sq. ft. exist. & proposed = 8 spaces
Jiffy Lube	1 space/300 sq. ft.	2,040 sq. ft. exist. = 7 spaces
Total Required	15 spaces	15 spaces
- 23) No existing flood plains, streams, bodies of water or springs located on or adjacent to site.
- 24) No wetlands, critical areas, archaeological sites, existing historic buildings or endangered species habitats on site.
- 25) This site does not contain hazardous materials to the best of our knowledge.
- 26) Landscaping/Buffer: No additional landscaping is required per the Baltimore County Landscaping Manual (revised Nov. 8, 1993). An 8' high wood fence has been retained along the rear property line.
- 27) Amenity Sign: N/A
- 28) All outdoor lighting will be directed away from adjacent residential houses, where applicable.
- 29) The proposed building will be designed and constructed in accordance with the N.F.P.A. 101 Life Safety Code.
- 30) Waivers: A waiver to O&M meeting and plan will be applied for. A waiver to stormwater management will be applied for. The additional impervious surface area is 236 sq. ft. (.007% of the gross site area).
- 31) Sign Note: No alterations to the existing free-standing pole sign are proposed.
- 32) All parking areas and travel aisles shall be paved with a durable and dustless surface and permanently striped.
- 33) Maximum Levels of Emissions: Building will comply with all applicable codes and accepted standards relative to sound and other vibrations, dust, odor, gas, light and heat emissions. No extraordinary emissions are anticipated.
- 34) Previous commercial permits:
 - Jiffy Lube building: sig. permit 101875, C-709-88, Building constructed Spring 1988
 - Zoning History: Case 88-234 (Jiffy Lube)
- 35) Zoning History: Case 88-234 (Jiffy Lube)



SITE PLAN PROPOSED ADDITION TO THE EXISTING PRECISION TUNE BUILDING

10604 REISTERSTOWN RD
BALTIMORE COUNTY, MD

SCALE: 1" = 20'

DATE: 11/15/1990

WILLIAM MONK, INC.
LAND USE PLANNING/ ENVIRONMENTAL PLANNING/ ZONING
CAMPBELL BUILDING, SUITE 305
100 W. PENNSYLVANIA AVE
TOWSON, MD 21204

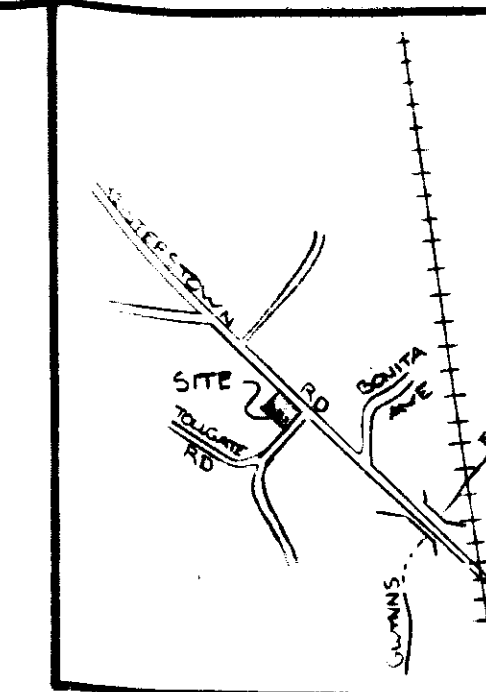
NOTE: BOUNDARY OUTLINE AND LOCATION OF EXIST. IMPROVEMENTS BASED UPON A PLAN PREPARED BY COLBERT ENGINEERING, INC.

Reviewed by
O.P.2 on March 3,
1991.
Jiffy M. Ly

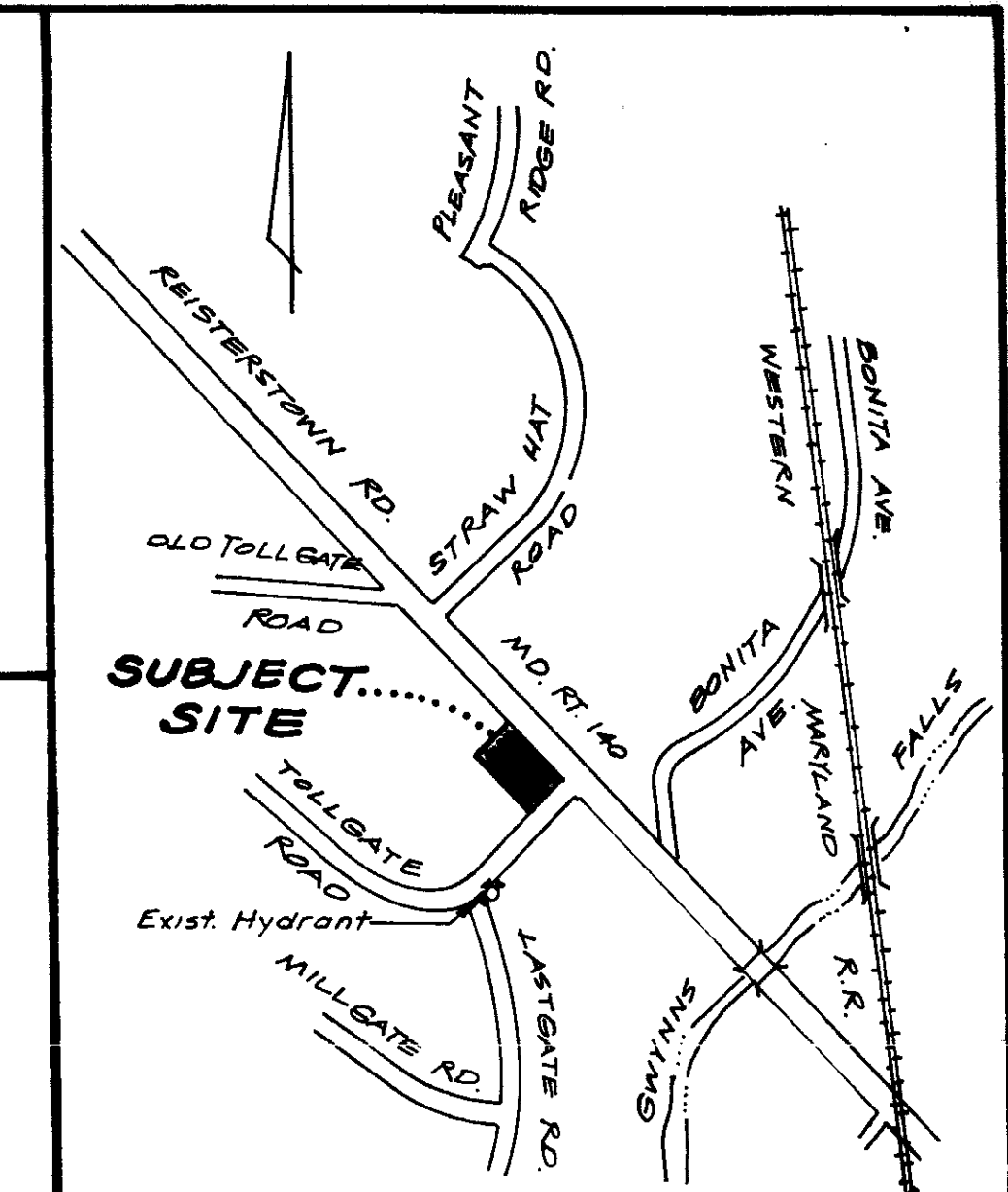
LEGEND

- EXISTING CONTOURS
- 100' ± EXISTING SPOT ELEV.
- EXISTING CURB TO BE REMOVED
- EXISTING BLOCK WALL
- EXISTING CURB
- PROPOSED CURB
- PROPOSED PAVING
- PROPOSED MASONRY WALL
- PROPOSED CONC.
- PROPOSED CONTOURS
- 480' ± EXISTING SPOT ELEV.
- PROPOSED UNDERGRD. TANKS
- EXISTING FENCE

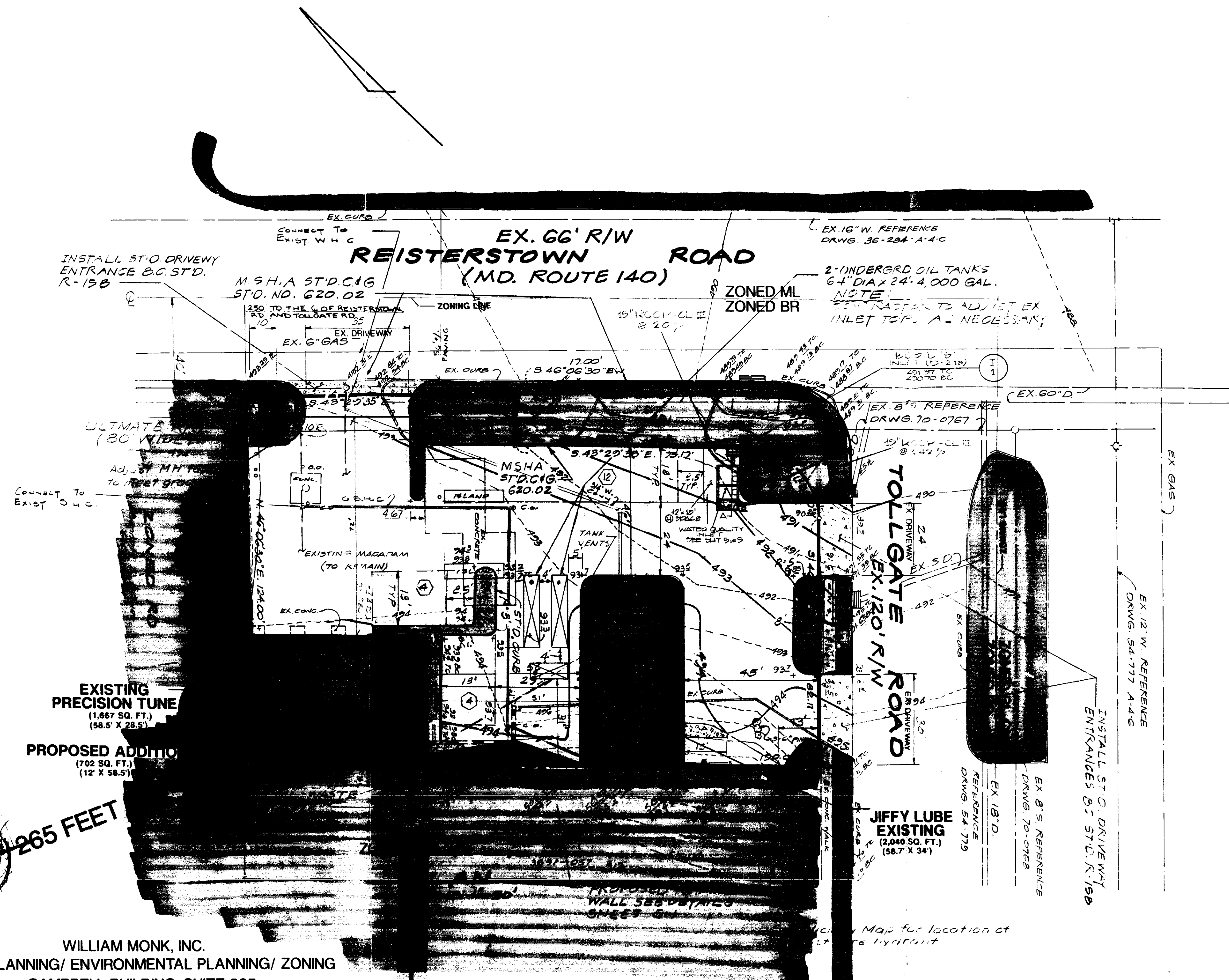
PLAN TO ACCOMPANY VARIANCE APPLICATION



VICINITY MAP
SCALE: 1" = 1000'



VICINITY MAP
SCALE: 1" = 500'



NOTES:

- 1) Zoning: Existing - E-1A, Proposed - E-1A
- 2) Lot Area: 2.00 Acres
- 3) Existing Use: Precision Tune & Jiffy Lube service garages
- 4) Proposed Use: Expand existing Precision Tune building
- 5) Building Area: See #16
- 6) Building Setbacks:

	REQUIRED	PROVIDED	PROVIDED
Front	25'	10'	10'
Interior Side	30'	2'	N/A
Rear	30'	3'	0' (variance granted)
Street Corner	25'	N/A	65'
Side	25'	50'	50' (variance granted)
- 7) Parking: See #22
- 8) Utilities:
 - Sewer - Public
 - Water - Public (See vicinity map for fire hydrant location)
- 9) Variances:
 - To Section 230.2 to permit an addition to the existing Precision Tune building with a rear yard setback of 3' in lieu of the required 30 feet and a side yard setback of 2' in lieu of the required 30 feet and 50' between buildings in lieu of the required 60'.
 - Special exception/conditional use: None
- 10) Election District: 4th
- 11) Councilmanic District: 3rd
- 12) Census Tract: 4041
- 13) Waterfront: 27
- 14) Submergence: 67
- 15) Flood Hazard: 2703/441
- 16) Property Account No.: 16-00-000-506
- 17) Building Area:

Existing Jiffy Lube	= 2,040 sq. ft.
Existing Precision Tune	= 1,667 sq. ft.
Proposed Addition	= 702 sq. ft.
Total Floor Area	= 4,409 sq. ft.
- 18) Floor Area Ratio (F.A.R.):
 - Max. F.A.R. permitted: 2.0
 - F.A.R. Proposed: 0.14
- 19) Height of Building: 1 story (all structures) 18'
- 20) Lot Size Tolerances:

Gross Area	= 31,476 sq. ft.
Net Area	= 21,750 sq. ft.
- 21) Parking Tabulations:

Required:	Provided:
Precision Tune: 1 space/300 sq. ft.	(2,589 sq. ft. - exist. & proposed) = 8 spaces
Jiffy Lube: 1 space/200 sq. ft.	(2,040 sq. ft. - existing) = 7 spaces
Total Required = 15 spaces	Total Provided = 27 spaces (21 + 6 in bays)
- 22) No existing flood plains, streams, bodies of water or springs located on or adjacent to site.
- 23) No wetlands, critical areas, archeological sites, existing historic buildings or endangered species habitats on site.
- 24) This site does not contain hazardous materials to the best of our knowledge.
- 25) Landscaping/Buffer: No additional landscaping is required per the Baltimore County Landscape Manual (amended Nov. 8, 1985). An 8' high wood fence has been retained along the rear property line.
- 26) Amenity Open Space: N/A
- 27) All outdoor lighting will be directed away from adjacent residential houses, where applicable.
- 28) The proposed building will be designed and constructed in accordance with the M.F.P.A. 101 Life Safety Code.
- 29) Waivers: A waiver to CBC meeting and plan will be applied for. A waiver to stormwater management will be applied for. The additional impervious surface area is 234 sq. ft. (.007% of the gross site area).
- 30) Sign Note: No alterations to the existing free-standing pole sign are proposed.
- 31) All parking areas and travel ways shall be paved with a durable and dustless surface and permanently striped.
- 32) Maximum Levels of Emissions: Building will comply with all applicable codes and accepted standards relative to sound and other vibrations, dust, odor, gas, light and heat emanations. No extraordinary emissions are anticipated.
- 33) Previous commercial permits:
 - Jiffy Lube building
 - Blue permit 101875, C-700-88, Building constructed Spring 1988
- 34) Zoning History: Case 88-233A (Jiffy Lube)

SITE PLAN PROPOSED ADDITION TO THE EXISTING PRECISION TUNE BUILDING 10604 REISTERSTOWN RD BALTIMORE COUNTY, MD

SCALE: 1" = 20'

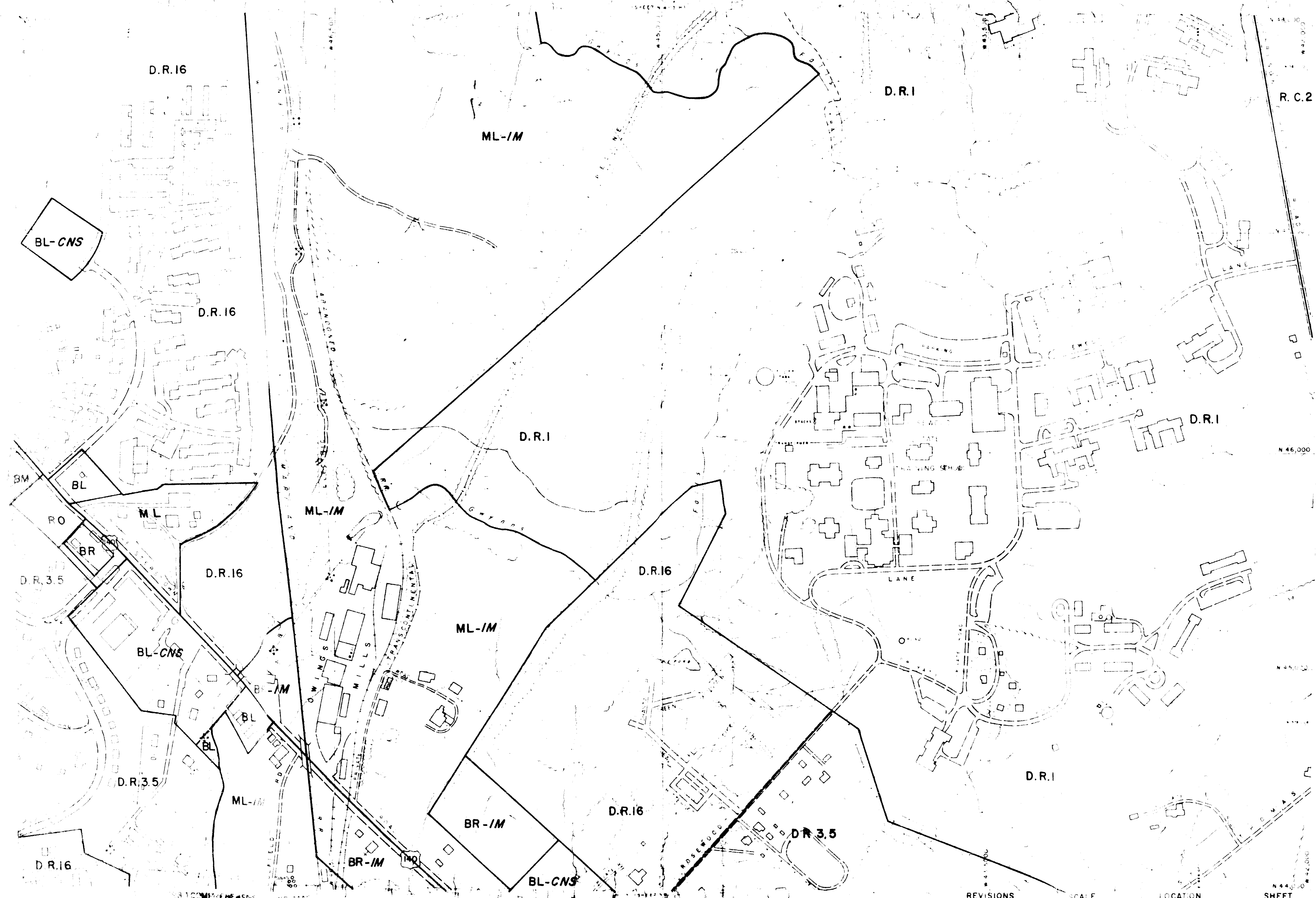
DATE: 11/15/1990

PETITIONER'S
~~PROTESTANT'S~~
EXHIBIT 1

WILLIAM MONK, INC.
LAND USE PLANNING/ ENVIRONMENTAL PLANNING/ ZONING
CAMPBELL BUILDING, SUITE 305
100 W. PENNSYLVANIA AVE
TOWSON, MD 21204

NOTE: BOUNDARY OUTLINE AND LOCATION OF EXIST. IMPROVEMENTS BASED
UPON A PLAN PREPARED BY COLBERT ENGINEERING, INC.

EXIST. OUTBUILDING

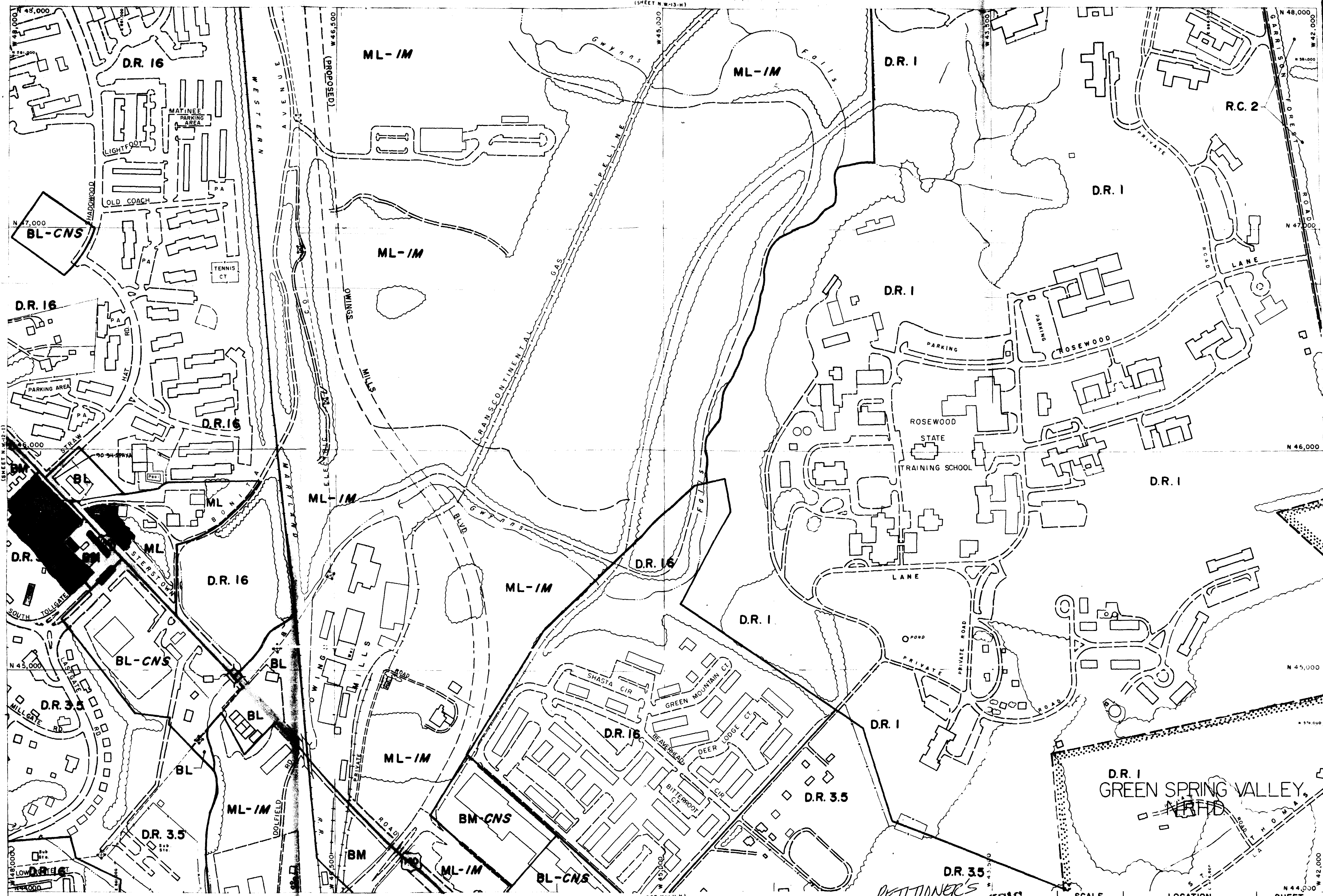


PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS
BY DATE
MAY 1953
DATE OF PHOTOGRAPHY
APRIL 1953
SCALE
200'
LOCATION
ROSEWOOD SCHOOL VICINITY
SHEET
N.W.
12-H

ADOPTED BY THE BALTIMORE COUNTY COUNCIL
MAY 13, 1964
CHAIRMAN, COUNTY COUNCIL

219
91-281-A



T-SW T-SE

1986 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1986

Map Nos. 144-89, 145-89, 146-89, 147-89, 148-89, 149-89, 150-89

John J. Hall
Chairman, County Council

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

*PETITIONER'S
PROTESTANT'S*
EXHIBIT 4

SCALE 1" = 200' ±	LOCATION ROSEWOOD SCHOOL VICINITY	N.W. 12-H
DATE OF PHOTOGRAPHY JANUARY 1986		

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210